

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MAXSONY COISSY,

Plaintiff,

v.

DOER, *et al.*,

Defendants.

Case No. 1:24-cv-01556-KES-BAM (PC)

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS  
(ECF No. 6)

ORDER GRANTING MOTIONS TO  
PROCEED *IN FORMA PAUPERIS*  
(ECF No. 2, 7)

Plaintiff Maxsony Coissy (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b).

Plaintiff filed a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 on December 18, 2024. (ECF No. 2.) Based on Plaintiff’s application, the Court found that evidence of Plaintiff’s assets was inconclusive, and directed Plaintiff to file a new application to proceed *in forma pauperis* to clarify his financial condition and adequately demonstrate financial hardship, or to pay the \$405.00 filing fee for this action. (ECF No. 4.) Following Plaintiff’s failure to respond or otherwise comply with the Court’s order, on February 5, 2025, the Court issued findings and recommendations to dismiss this action, without prejudice, for failure to obey a court order and failure to prosecute. (ECF No. 6.)

On February 28, 2025, Plaintiff filed a motion to proceed *in forma pauperis*. (ECF No. 7.) Although filed after the required deadline, the Court finds it appropriate to vacate the pending findings and recommendations.

Furthermore, Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory

1 filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make  
2 monthly payments in the amount of twenty percent (20%) of the preceding month's income  
3 credited to Plaintiff's trust account. The California Department of Corrections is required to send  
4 to the Clerk of the Court payments from Plaintiff's trust account each time the amount in the  
5 account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations issued on February 5, 2025, (ECF No. 6), are  
8 VACATED;
- 9 2. Plaintiff's motions to proceed *in forma pauperis*, (ECF Nos. 2, 7), are GRANTED;
- 10 3. **The Director of the California Department of Corrections or his/her designee shall**  
11 **collect payments from Plaintiff's prison trust account in an amount equal to twenty**  
12 **per cent (20%) of the preceding month's income credited to the prisoner's trust**  
13 **account and shall forward those payments to the Clerk of the Court each time the**  
14 **amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2),**  
15 **until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.**  
16 **The payments shall be clearly identified by the name and number assigned to this**  
17 **action;**
- 18 4. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in*  
19 *forma pauperis* application on the Director of the California Department of Corrections,  
20 via the court's electronic case filing system (CM/ECF); and
- 21 5. The Clerk of the Court is directed to serve a copy of this order on the Financial  
22 Department, U.S. District Court, Eastern District of California.

23 IT IS SO ORDERED.  
24

25 Dated: February 28, 2025

26 /s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE  
28